

CALIFORNIA FISH AND GAME CODE REGARDING FISH AND GAME FEES

711. It is the intent of the Legislature to ensure adequate funding from appropriate sources for the department. To this end, the Legislature finds and declares that:

- (a) The costs of nongame fish and wildlife programs and free hunting and fishing license programs shall be provided annually in the Budget Act by appropriating money from the General Fund and sources other than the Fish and Game Preservation Fund to the department for these purposes.
- (b) The costs of commercial fishing programs shall be provided out of revenues from commercial fishing taxes, license fees, and other revenues, from reimbursements and federal funds received for commercial fishing programs, and other funds appropriated by the Legislature for this purpose.
- (c) The costs of hunting and sportfishing programs shall be provided out of hunting and sportfishing revenues and reimbursements and federal funds received for hunting and sportfishing programs, and other funds appropriated by the Legislature for this purpose. These revenues, reimbursements, and federal funds shall not be used to support commercial fishing programs, free hunting and fishing license programs, or nongame fish and wildlife programs.
- (d) The costs of managing lands managed by the department and the costs of wildlife management programs shall be supplemented out of revenues in the Native Species Conservation and Enhancement Account in the Fish and Game Preservation Fund.
- (e) The department shall conduct, or contract for, a review, at least every five years, of its programs to ensure consistency with this section.
- (f) Hunting, sportfishing, and sport ocean fishing license fees shall be adjusted annually to an amount equal to that computed pursuant to Section 713. However, a substantial increase in the aggregate of hunting and sportfishing programs shall be reflected by appropriate amendments to the sections of this code that establish the base sport license fee levels. The inflationary index provided in Section 713 may not be used to accommodate a substantial increase in the aggregate of hunting and sportfishing programs.

For purposes of this article, "substantial increase" means an increase in excess of 5 percent of the Fish and Game Preservation Fund portion of the department's current year support budget, excluding cost-of-living increases provided for salaries, staff benefits, and operating expenses.

711.2.

- (a) For purposes of this article, unless the context otherwise requires, "wildlife" means and includes all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability and "project" has the same meaning as defined in Section 21065 of the Public Resources Code.
- (b) For purposes of this article, "person" includes any individual, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, district, county, city and county, city, town, the state, and any of the agencies of those entities.

711.4.

- (a) The department shall impose and collect a filing fee in the amount prescribed in subdivision (d) to defray the costs of managing and protecting fish and wildlife trust resources, including, but not limited to, consulting with other public agencies, reviewing environmental documents, recommending mitigation measures, developing monitoring requirements for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), consulting pursuant to Section 21104.2 of the Public Resources Code, and other activities protecting those trust resources identified in the review pursuant to the California Environmental Quality Act.
- (b) The filing fees shall be proportional to the cost incurred by the department and shall be annually reviewed and adjustments recommended to the Legislature in an amount necessary to pay the full costs of department programs as specified.
- (c)
 - (1) All project applicants and public agencies subject to the California Environmental Quality Act shall pay a filing fee for each proposed project.
 - (2) Notwithstanding paragraph (1), no filing fee shall be paid pursuant to this section if the lead or certified regulatory program agency finds that the project is either of the following:
 - (A) Categorically exempt from the California Environmental Quality Act.
 - (B) De minimis in its effect on fish and wildlife.

(3) Notwithstanding paragraph (1), no filing fee shall be paid pursuant to this section if all the following conditions exist:

- (A) The project is being undertaken by the department.
- (B) The project costs are payable from any of the following sources:
 - (i) The Public Resources Account in the Cigarette and Tobacco Products Surtax Fund.
 - (ii) The California Wildlife, Coastal, and Park Land Conservation Fund of 1988.
 - (iii) The Habitat Conservation Fund.
 - (iv) The Fisheries Restoration Account in the Fish and Game Preservation Fund.
 - (v) The Commercial Salmon Stamp Account in the Fish and Game Preservation Fund.
 - (vi) Striped bass stamp funds collected pursuant to Section 7360.
- (C) The project is implemented through a contract with either a nonprofit entity or a local government agency. The filing fee shall be paid at the time and in the amount specified in subdivision (d). Notwithstanding Sections 21080.5 and 21081 of the Public Resources Code, no project shall be operative, vested, or final until the filing fees required pursuant to this section are paid.

(d) The fees shall be in the following amounts:

- (1) For a project which is found by the lead or certified regulatory agency to **be de minimis** in its effect on fish and wildlife, **no filing fee** shall be paid, whether or not a negative declaration or an environmental impact report is prepared pursuant to the California Environmental Quality Act.
 - (2) For a project which **is statutorily or categorically exempt** from the California Environmental Quality Act, including those certified regulatory programs which incorporate statutory and categorical exemptions, **no filing fee** shall be paid.
 - (3) For a project for which **a negative declaration** is prepared pursuant to subdivision (c) of Section 21080 of the Public Resources Code, the filing fee is one thousand two hundred fifty dollars **(\$1,250)**. The filing fee shall be paid to the county clerk at the time of filing a notice of determination pursuant to Section 21152 of that code or to the Office of Planning and Research at the time of filing a notice of determination pursuant to Section 21108 of that code, as appropriate.
 - (4) For a project with **an environmental impact report** prepared pursuant to the California Environmental Quality Act, the filing fee is eight hundred fifty dollars **(\$850)**. The filing fee shall be paid to the county clerk at the time of filing a notice of determination pursuant to Section 21152 of the Public Resources Code or to the Office of Planning and Research at the time of filing a notice of determination pursuant to Section 21108 of that code.
 - (5) For a project which is **subject to a certified regulatory program** pursuant to Section 21080.5 of the Public Resources Code, the filing fee is eight hundred fifty dollars **(\$850)**. The filing fee shall be paid to the Secretary of the Resources Agency upon filing of the notice of determination pursuant to Section 21080.5 of that code. If the filing fee is to be paid by the state lead agency, the payment shall be made pursuant to a memorandum of understanding with the department.
- (e) The county clerk may charge a documentary handling fee of twenty-five dollars (\$25) per filing in addition to the filing fee specified in subdivision (d).
- (1) The county clerk of each county and the Office of Planning and Research shall maintain a record of all environmental documents received. The record shall include, for each environmental document received, the name of each applicant or lead agency, the document filing number, and the filing date. The record shall be made available for examination or audit by authorized personnel of the department during normal business hours.
 - (2) The filing fee imposed and collected pursuant to subdivision (d) shall be remitted monthly to the department within 30 days after the end of each month. The amount of fees due shall be reported on forms prescribed and provided by the department.
 - (3) The department shall assess a penalty of 10 percent of the amount of fees due for any failure to remit the amount payable when due. The department may pursue collection of delinquent fees through the Controller's office pursuant to Section 12419.5 of the Government Code.

- (f) Notwithstanding Section 12000, failure to pay the fee under subdivision (d) is not a misdemeanor. All unpaid fees are a statutory assessment subject to collection under procedures as provided in the Revenue and Taxation Code.
- (g) Only one filing fee shall be paid for each project unless the project is tiered or phased, and separate environmental documents or review by the department is required.
- (h) This section does not preclude or modify the duty of the department to recommend, require, permit, or engage in mitigation activities pursuant to the California Environmental Quality Act.
- (i) The permit process of the California Coastal Commission, as certified by the Secretary of the Resources Agency, is exempt from the payment of the filing fees prescribed by paragraph (5) of subdivision (d) insofar as the permits are issued under any of the following regulations:
 - (1) Subchapter 4 (commencing with Section 13136) of Chapter 5 of Division 5.5 of Title 14 of the California Code of Regulations.
 - (2) Subchapter 1 (commencing with Section 13200), Subchapter 3 (commencing with Section 13213), Subchapter 3.5 (commencing with Section 13214), Subchapter 4 (commencing with Section 13215), Subchapter 4.5 (commencing with Section 13238), Subchapter 5 (commencing with Section 13240), Subchapter 6 (commencing with Section 13250), and Subchapter 8 (commencing with Section 13255) of Chapter 6 of Division 5.5 of Title 14 of the California Code of Regulations.

711.7.

- (a) The fish and wildlife resources are held in trust for the people of the state by and through the department.
 - (1) Insofar as state wildlife trust resources exist and depend upon federal proprietary lands or federal land and water adjacent to or affecting state trust resources, all persons engaging in projects or activities under federal license, contract, or permit, to the extent permitted by federal law, shall be governed by this article and shall pay project filing fees unless the payment of state filing and permit fees is explicitly preempted by the authority of the federal agency permitting the use or modification of state trust resources.
 - (2) Insofar as state wildlife trust resources exist and depend upon federal proprietary lands or federal lands and waters adjacent to or affecting state trust resources, all federal agencies acting in their proprietary capacity, to the extent permitted by federal law, shall be governed by this article and Sections 10005 and 21089 of the Public Resources Code, unless the payment of state filing and permit fees is explicitly preempted by the authority of a particular federal agency.
- (b) If a court of competent jurisdiction finds that any provision of this section or the application thereof to any federal agency, person, or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

712. It is the intent of the Legislature that the Department of Finance shall include in the Governor's Budget sufficient moneys from the General Fund and sources other than the Fish and Game Preservation Fund to pay the costs of the department's non-game programs, including those necessary for the protection and enhancement of California's non-game fish and wildlife and their habitat, the free hunting and fishing license programs, and special repairs and capital outlay.

It is the intent of the Legislature that the Department of Finance shall not include in the Governor's Budget any appropriation from the Fish and Game Preservation Fund for any program or project which is not expressly found to be an activity relating to the protection or propagation of fish and game, except to the extent that moneys have been deposited in that fund from collections under a law which is not related to the protection or propagation of fish and game.

Any study relating to funding of programs administered or conducted by the department shall include express findings of whether the program is related to the protection or propagation of fish and game and shall describe the relationship.

713.

- (a) The changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce, shall be used as the index to

determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, and tags issued by the department, except commercial fishing fees.

- (b) The department shall determine the change in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce, for the quarter ending March 31 of the current year compared to the quarter ending March 31 of the previous year. The relative amount of the change shall be multiplied by the current fee for each license, stamp, permit, or tag issued by the department. The product shall be rounded to the nearest twenty-five cents (\$0.25), and the resulting amount shall be added to the fee for the current year. The resulting amount shall be the fee for the license year beginning on or after January 1 of the next succeeding calendar year for the license, stamp, permit, or tag which is adjusted under this section.
- (c) Notwithstanding any other provision of law, the department may recalculate the current fees charged for each license, stamp, permit, or tag issued by the department, except commercial fishing fees, to determine that all appropriate indexing has been included in the current fees. This section shall apply to all licenses, stamps, permits, or tags, except commercial fishing fees, that have not been increased each year since the base year of the 1985 -86 fiscal year.
- (d) The calculations provided for in this section shall be reported to the Legislature with the Governor's Budget Bill.
- (e) The Legislature finds that all revenues generated by fees for licenses, stamps, permits, and tags, computed under this section and used for the purposes for which they were imposed, are not subject to Article XIII B of the California Constitution.
- (f) The department shall, at least every five years, analyze all fees for permits, licenses, stamps, and tags issued by it to ensure the appropriate fee amount is charged. Where appropriate, the department shall recommend to the Legislature or the commission that fees established by the commission or the Legislature be adjusted to ensure that those fees are appropriate.

714.

- (a) In addition to Section 3031, 3031.2, 7149, or 7149.2 and notwithstanding Section 3037, the department shall issue lifetime sportsman's licenses pursuant to this section. A lifetime sportsman's license authorizes the taking of birds, mammals, fish, reptiles, or amphibia anywhere in this state in accordance with law for purposes other than profit for the life of the person to whom issued unless revoked for a violation of this code or regulations adopted pursuant to this code. A lifetime sportsman's license is not transferable. A lifetime sportsman's license does not include any special tags, stamps, or other entitlements.
- (b) A lifetime sportsman's license may be issued to residents of this state, as follows:
 - (1) To a person 62 years of age or over upon payment of a fee of six hundred dollars (\$600) in 1998.
 - (2) To a person 40 years of age or over and less than 62 years of age upon payment of a fee of eight hundred ninety dollars (\$890) in 1998.
 - (3) To a person 10 years of age or over and less than 40 years of age upon payment of a fee of nine hundred ninety dollars (\$990) in 1998.
 - (4) To a person less than 10 years of age upon payment of a fee of six hundred dollars (\$600) in 1998.
 - (5) The department shall establish the fee for each license authorized under this section in 1999 and subsequent years. The license fee shall not be less than the fee authorized in 1998, and the fee shall not exceed the cost of a license if the license fee was adjusted pursuant to Section 713 with the base year of 1998.
- (c) Nothing in this section requires a person under the age of 16 to obtain a license to take fish, reptiles, or Amphibia for purposes other than profit or to obtain a license to take birds or mammals except as required by law.
- (d) Nothing in this section exempts an applicant for a license from meeting other qualifications or requirements otherwise established by law for the privilege of sporthunting or sport fishing.
- (e) Upon payment of a fee of three hundred ten dollars (\$310), a person holding a lifetime hunting license or lifetime sportsman's license shall be issued annually one deer tag pursuant to subdivision (a) of Section 4332 and five wild pig tags issued pursuant to Section 4654.
- (f) Upon payment of a fee of two hundred dollars (\$200), a person holding a lifetime hunting license or lifetime sportsman's license shall be entitled annually to the privileges afforded to a person holding a

state duck stamp or validation issued pursuant to Section 3700 or 3700.1 and an upland game bird stamp or validation issued pursuant to Section 3682 or 3682.1.

715. The department shall report on or before January 30, 1996, to the Senate Committee on Natural Resources and Wildlife and the Assembly Committee on Water, Parks and Wildlife on the feasibility of the department entering into the National Wildlife Violator Compact.

The report shall include an analysis of the steps needed for implementation and the fiscal impact of participation in the National Wildlife Violator Compact. The department shall not enter into the National Wildlife Violator Compact without further authorization by statute.